

"Approved by the City Council/Redevelopment Agency Board on July 23, 2008"

**CITY COUNCIL/REDEVELOPMENT AGENCY  
MINUTES OF A REGULAR MEETING**

**WESTMINSTER, CALIFORNIA  
June 11, 2008**

The City Council/Agency Board of the City of Westminster, California convened on June 11, 2008 at 6:30 p.m. in a Regular Meeting in the Council Conference Room, 8200 Westminster Boulevard, Westminster, California.

**6:30 P.M.  
CLOSED SESSION**

**CALL TO ORDER:** 6:30 p.m.

**ROLL CALL:**

**PRESENT:** RICE, QUACH, FRY, TA  
**ABSENT:** MARSH

**CLOSED SESSION:**

The City Council/Redevelopment Agency recessed to a Closed Session for the following purposes:

- 1) Conference with Labor Negotiator pursuant to Government Code Section 54967.6; Designated Representative: City Manager Ray Silver; Employee Organization: Management/Administrative/Confidential Employees.

**RECESS:** At 7:00 p.m., Mayor Rice recessed the meeting held in the Council Conference Room.

**7:00 P.M.**

**RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING**

Mayor Rice reconvened the meeting in the Council Chambers at 7:10 p.m.

**ROLL CALL:**

**PRESENT:** RICE, QUACH, FRY, MARSH, TA  
**ABSENT:** NONE

**SALUTE TO FLAG:** Council Member Ta

**INVOCATION:** Council Member Fry

**REPORT OUT OF CLOSED SESSION – None**

**SPECIAL PRESENTATIONS:**

- A. The Mayor and Council Members presented 10-year, 20-year, 25-year, and 30-year service pins to City Employees.
- B. A presentation from B. J. Savage was made to the Mayor and Council Members of a plaque on behalf of Commanding General Thomas Waldhauser of the 3<sup>rd</sup> Assault Amphibian Battalion 1<sup>st</sup> Marine Division for their support.

## **REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS**

The Assistant City Clerk announced Late Communications regarding agenda items that had been received in the City Clerk's office following the distribution of the agenda packet.

### **Matters From City Manager/Executive Director**

#### **Item No. 6.1 - Economic Development Strategy**

Revised Draft Economic Development Strategy (with Council Member Marsh's comments)

#### **1. CONSENT CALENDAR**

##### **APPROVAL OF MINUTES**

- 1.1 **(City Council/Redevelopment Agency) Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of April 30, 2008; Minutes of the Regular Meetings of the City Council/Redevelopment Agency of May 14, 2008 and May 28, 2008.**

ACTION: Approved.

##### **ROUTINE MATTERS**

#### **1.2 Claims Against The City (119-02)**

ACTION: The Mayor and City Council denied claims against the City from:

- a) Henry Lim and Craig Lim in the amount of \$2,207.64.
- b) Rene Jesus Cuevas in an unknown amount.
- c) Shahzad Zakir in the amount of \$2,000.00.
- d) Cory Yeo in the amount of \$550.00.
- e) Larissa Saucedo in an unknown amount.

#### **1.3 Revised Classification Specification - Records Clerk. (110-04)**

ACTION: The Mayor and City Council approved the revised classification specification for Records Clerk.

**1.4 Computer Replacement Program – Server Computers. (110-04)**

ACTION: The Mayor and City Council authorized a purchase order to Hewlett-Packard Corporation in an amount not to exceed \$51,802 for the purchase of seven (7) server computers.

**1.5 Renewal of Contract for Police Safety Equipment for FY 2008-09. (502-01)**

ACTION: The Mayor and City Council approved the third option year renewal of a five year contract with Adamson Police Products in the amount of \$42,000 for police safety equipment.

**1.6 Renewal of Contract for 800 MHz Radio Maintenance for FY 2008-09. (502-15)**

ACTION: The Mayor and City Council approved the third option year contract renewal of a three year contract with the Orange County Sheriff's Department Communication Division in an amount not to exceed \$30,000 for radio repair services.

**1.7 Renewal of Contract for Prosecution Services with the Office of the District Attorney. (502-15)**

ACTION: The Mayor and City Council approved a five-year contract renewal with the Office of the District Attorney in an amount not to exceed \$2,000 for prosecution of violations of City ordinances.

**1.8 Purchase Order to California Forensic Phlebotomy, Inc. for Police Related Blood Test Services for FY 2008-09. (502-03)**

ACTION: The Mayor and City Council authorized a purchase order to California Forensic Phlebotomy, Inc., a sole source vendor providing police related blood test services, in an amount not to exceed \$40,000 for police related blood test services.

**1.9 Renewal of Contract for Police and Animal Control Uniforms with Galls, Inc. for FY 2008-09. (502-07)**

ACTION: The Mayor and City Council approved the third option year renewal of a three year contract with Galls, Inc. in the amount of \$42,000 for police and animal control uniforms.

**1.10 Option Year Renewal for Procurement of Asphalt for FY 2008-2009. (502-22)**

ACTION: The Mayor and City Council authorized a purchase order for Procurement of Asphalt from Vulcan Materials in the amount of \$15,000.

**1.11 Annual Anticipated DBE Participation Level (AADPL) for the Federal Fiscal Year 2008/2009. (502-03)**

ACTION: The Mayor and City Council:

- 1) Adopted the AADPL of 12% race neutral for Federally-funded projects for the Federal fiscal year 2008/2009; and
- 2) Approved the DBE Race-Neutral Implementation Agreement for the City of Westminster and authorized the City Manager to execute the agreement on behalf of the City.

**1.12 Award of Contract for Street Improvement Project at Various Locations for Fiscal Year 2008-2009– Project No. PROP42 08-09. (502-01)**

ACTION: The Mayor and City Council awarded a contract to the low qualified and responsive bidder, All American Asphalt, in the amount of \$310,700.00; rejected all other bids; and authorized the City Manager to execute the contract on behalf of the City.

**1.13 Option Year Renewal for Vehicle Tire Purchases for FY 2008-09. (502-16)**

ACTION: The Mayor and City Council authorized a purchase order for vehicle tire purchases in the amount of \$35,000.00 to Parkhouse Tire, Inc.

**1.14 Acceptance of Final Parcel Map No. 2007-187, for Condominium Purposes, for Parcel Located at 7341 Texas Street (northwest corner of Olive Street and Texas Street). (201-02 PM)**

ACTION: The Mayor and City Council accepted Final Parcel Map No. 2007-187 and authorized the City Clerk to sign and seal the map.

**1.15 Final Seven-Year Capital Improvement Program (CIP) for the Measure M and Congestion Management Programs (2008-2009). (617-01)**

ACTION: The Mayor and City Council approved the Final Seven-Year Capital Improvement Program for the Measure M and Congestion Management Programs (CMP), and authorized its submittal to the Orange County Transportation Authority (OCTA).

**1.16 Notice of Completion for work performed by Micon Construction, Inc. for the Sigler Water Spray Playground. (502-13)**

ACTION: The Mayor and City Council accepted the subject project and authorized the City Clerk to file a Notice of Completion with the County Recorder's Office.

**1.17 Award of Contract for Animal Shelter Services. (502-02)**

ACTION: The Mayor and City Council:

- 1) Awarded a contract to Dr. Samir S. Botros, dba Orange County Humane Society in an amount not to exceed \$55,000 for Fiscal Year 2008-2009 to provide animal shelter services, with an option to renew upon mutual agreement for two (2) one year intervals and authorized the City Manager to execute the contract on behalf of the City; and
- 2) Authorized the Chief of Police to approve contract renewal options for Fiscal Years 2009-2010 and 2010-2011.

**ORDINANCES (SECOND READING)/RESOLUTIONS**

**(ITEM REMOVED AND HEARD SEPARATELY)**

**1.18 Ordinance No. 2430 - An Ordinance of the Mayor and City Council of the City of Westminster Amending Sections 9.38.010 through 9.38.070 and Section 9.38.090 of Title 9 (Public Peace, Morals, and Welfare) of the Westminster Municipal Code Relating to "Graffiti. (615-01)**

Darrell A. Nolta, resident of Westminster, spoke against children being criminalized in regards to the anti-vandalism provisions of the ordinance. He requested to have the language removed from the ordinance.

**Motion was made by Mayor Pro Tem Quach**, and seconded by Council Member Ta to defer the item to the June 25, 2008 Council meeting.

The motion carried by the following vote:

AYES: RICE, QUACH, FRY, MARSH, TA  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: NONE

**1.19 Resolution No. 4152 - A Resolution of the Mayor and City Council of the City of Westminster Concerning the Status of the Circulation Element for the City of Westminster. (613-07)**

ACTION: The Mayor and City Council adopted Resolution No. 4152.

**(ITEM REMOVED AND HEARD SEPARATELY)**

**1.20 Resolutions pertaining to the November 4, 2008 General Municipal Election (302-08) (08)**

**Resolution No. 4153 - A Resolution of the Mayor and City Council of the City of Westminster, California, calling and giving notice of the holding of a General Municipal Election to be held on Tuesday, November 4, 2008, for the election of certain officers as required by the provisions of the laws of the State of California relating to general law cities.**

**Resolution No. 4154 - A Resolution of the Mayor and City Council of the City of Westminster, California, adopting regulations for candidates for elective office pertaining to candidates statements submitted to the voters at an election to be held on Tuesday, November 4, 2008.**

**Resolution No. 4155 - A Resolution of the Mayor and City Council of the City of Westminster, California, requesting the Board of Supervisors of the County of Orange to consolidate a General Municipal Election to be held on Tuesday, November 4, 2008, with the Statewide General Election to be held on that date pursuant to Section 10403 of the Elections Code.**

Darrell A. Nolta, resident of Westminster, encouraged everyone to vote. He requested that the candidates respect the sign ordinance in regards to their display of campaign signs.

Vivian Kirkpatrick-Pilger, resident of Westminster, also requested that everyone vote. She reminded everyone that Council Member Marsh is running for a Judge seat and a Council seat simultaneously.

**Motion was made by Council Member Marsh, and seconded by Council Member Fry to adopt Resolution Nos. 4153, 4154 and 4155.**

The motion carried by the following vote:

AYES: RICE, QUACH, FRY, MARSH, TA  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: NONE

### **WARRANT REGISTER**

**1.21 (City Council/Redevelopment Agency) Warrant Register dated May 21 through June 3, 2008. (105-09) (08)**

ACTION: Approved.

**Motion was made by Council/Agency Mayor Pro Tem Quach, and seconded by Council/Agency Member Ta, to approve the Consent Calendar, with the exception of Item Nos. 1.18 and 1.20 which was removed for separate consideration. The motion carried by a 5-0 vote.**

**END OF CONSENT CALENDAR**

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**2. ORAL COMMUNICATIONS**

Janet Koller, resident of Westminster, addressed concerns about the Sunset Ford LCD sign on the corner of Seneca Drive and Garden Grove Boulevard. She would like the City to enforce the condition of approval relative to the permitted time period.

Melanie Hinchee, resident of Westminster, and on behalf of the Academy of the Performing Arts High School, thanked the Mayor and Community Services Director, Greg Johnson, for their support of the programs this past school year and for the use of the Rose Center Theatre.

Syed Shah, investor and owner of the Best Western Westminster Inn, stated that he is very proud of the City of Westminster and believes if the City Council and the businesses work together it will lead to a great future. He asked Council for their support and help to take the next step.

Vivian Kirkpatrick-Pilger, resident of Westminster, stated that she and Mayor Rice were at the Rose Center Theatre Foundation meeting on Monday discussing ways to promote the theatre. She announced that the Mayor's Ball will be held on June 21<sup>st</sup>. She said that the Foundation is finding ways to raise money to support the theatre. Ms. Kirkpatrick-Pilger asked if there was enough room for a dog park at the new development on Springdale Place and Melanie Lane. She feels that there is land on Hoover Street that can be used for a dog park.

Darrell A. Nolta, resident of Westminster, voiced his strong opposition to the appointment of Sandra Hutchinson as the new Orange County Sheriff. At the next Board of Supervisor's meeting he will lodge a complaint about what he believes was a corrupt process of appointing the sheriff.

**3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW****3.1 The actions of the Planning Commission meeting held on June 4, 2008.**

The Mayor and City Council reviewed the items from the Planning Commission meeting of June 4, 2008

- 1) Case 2008-03 (Conditional Use Permit) to establish a massage establishment at 14600 Goldenwest Street, # 102.
- 2) Case 2008-08 (Conditional Use Permit) a request to allow entertainment at an existing restaurant (Quan May Hong) located at 15579 Brookhurst Street
- 3) Case 2008-20 (Variance) review and adoption of resolution granting a parking variance at 9060-9122 Bolsa Avenue (Hanoi Plaza).

**4. PUBLIC HEARINGS****4.1 ORDINANCE NO. 2432 TO ESTABLISH DEVELOPMENT STANDARDS AND PROCEDURES FOR LARGE FAMILY DAY CARE (7-14 CHILDREN) FACILITIES IN THE SINGLE FAMILY RESIDENCE DISTRICT. (CASE NO. 2008-01). (201-00) (CN 2008-01)**

Art Bashmakian, Planning Manager, provided a brief history of this item and informed Council that large family day cares are State mandated.

Council Member Marsh questioned the requirement of the applicant to have applied for a large day care home license from the State of California Department of Social Services (DSS). He would like to see that before the applicant receives the City license that the applicant complete the process with the DSS first. He would like the wording to state that the applicant needs to first obtain State approval before the City approval. The City will be the enforcer, not the State.

Art Bashmakian, Planning Manager, stated that he will verify and clarify the process.

Dick Jones, City Attorney, stated that the applicant could not operate without a State license, but he believes that the City can add the requirement to have the State license.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OR IN OPPOSITION OF THE ITEM.

Vivian Kirkpatrick-Pilger, resident of Westminster, spoke in favor of this item.

Dick Jones, City Attorney, said the day care is allowed to have seven to fourteen children based on the square footage. The City is very limited in terms of local control.

MAYOR RICE CLOSED THE PUBLIC HEARING

**Motion was made by Council Member Ta**, and seconded by Council Member Marsh to introduce Ordinance No. 2432 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster amending Title 17 (Land Use) of the Westminster Municipal Code to establish Section 17.48.020 Accessory Uses to establish development standards and procedures for large family day care (7 - 14 children) facilities in the single family residential district", and waive further reading, with staff to provide the amending language with regards to the City's enforcement ability and the condition that requires the applicant to receive and maintain a State license from the DSS before the City grants their permit.

The motion carried by the following vote:

AYES: RICE, QUACH, FRY, MARSH, TA  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: NONE

**5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS**

**5.1 Council/Agency Member Items**

Council Member Marsh reminded everyone that the Flag Day event is tomorrow.

Mayor Rice invited the public to come to the Flag Day ceremony. She said the Mayor's Ball will have a swing band performing and should be fun.

Council Member Ta reminded everyone of the Mayor's Ball on June 21<sup>st</sup>.

**5.2 AB 1234 Reports**

Mayor Rice reported that she and Council Member Fry attended a PCTA meeting today and with the PEG money coming in from the cable system the City is going to receive a lot of video cameras and equipment.

**6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR**

**6.1 (City/Agency) Economic Development Strategy. (906-02)**

Ray Silver, City Manager, handed out a copy of the PowerPoint presentation and said that Council Member Marsh had a number of comments that we will go over tonight.

Tami Piscotty, Assistant to the City Manager, introduced Jim Simon and Alexa Smittle of Rosenow Spevacek Group who provided a PowerPoint presentation on the Economic Development Strategy. (On file in the Clerk's office.)

Council Member Marsh stated that he supports the Draft Economic Development Strategic Plan because it provides the flexibility that allows for adjustments and changes if needed. He feels that \$60,000 will be money well spent.

**Motion was made by Council Member Marsh** to approve the Draft Economic Development Strategy as marked with the written changes that he provided and to direct staff to include an appropriation of \$60,000 in the Redevelopment/Economic Development Fund.

Council Member Ta seconded the motion and stated that the Chamber of Commerce is the best resource for businesses in the City because they have been here so long. He believes the Chamber will do an excellent job.

Mayor Rice asked if the \$60,000 is only designated to a particular location?

Council Member Marsh answered that the Draft Economic Development Strategy lists the initial target façade improvement locations but does not mean that any of them would be interested in participating.

Mayor Rice wants that to be clear because she disagrees with the Plans proposed façade improvements. She feels the façade improvements are needed in other main areas of the City such as Westminster Boulevard.

Tami Piscotty, Assistant to the City Manager, stated that she would put together the matching grant program and criteria and return it to the Council for consideration.

Crystal Wadsworth, Executive Director of the Westminster Chamber of Commerce, said that the goal of improving the Westminster Business Community is very important. She feels that the Business Education Attraction and Retention (BEAR) group that has formed will help address the businesses problems and provide them with help.

Darrell A. Nolta, resident of Westminster, opposes the strategy and to the spending of \$60,000. He opposes any type of partnership between the City and real estate brokers. He expressed his opposition to giving the Chamber \$15,000 for the Taste of Westminster for fiscal year 2009/2010. Mr. Nolta asked that Council go back and look at how they can stimulate businesses that are based on providing people with good income jobs not based on the sale of consumer items. He also stated his concerns with the increasing cost of fuel.

Vivian Kirkpatrick-Pilger, resident of Westminster, expressed concern with some of the spots that have been noted for façade improvements and believes that there are other areas in the City that would benefit more.

Sandra McClure, owner of Baskin Robbins, President of the Westminster Chamber, and BEAR Committee Member, believes that with this type of partnership the businesses will grow and in return give back to the City. She supports the Plan and is glad to see that the Council is looking at other parts of the City to help grow.

**Motion was made by Council Member Marsh, and seconded by Council Member Ta to:**

- 1) Approve the Draft Economic Development Strategy as marked with the Council Member Marsh's written changes; and
- 2) Direct staff to include an appropriation of \$60,000 in the Redevelopment/Economic Development Fund – Contractual Other for a Façade Program for the Fiscal Year 2008-09 budget.

The motion carried by a 5-0 vote.

Mayor Rice expressed concern with this Draft Economic Development Strategy and said she was not aware that a consultant was being paid.

**A Substitute Motion was made by Mayor Pro Tem Quach,** and seconded by Council Member Fry to continue this item.

Council Member Marsh stated that the plan is not designed to address the City's housing strategy and delivery of social services. The plan is supposed to address economic development and it is a good start in that direction. The bulk of money spent on services is spent by businesses, not by individuals. This plan deals with the reality of where businesses are likely to locate, what type of businesses are likely to come to the City, targeting those businesses and providing the information to them. He believes the Plan is good, serious, and sensible.

Ray Silver, City Manager, provided a brief history and timeline of this item. The Economic Development Strategy identifies the City, the City's concepts, the Council program focus, and provides the Council approved financial tools available to businesses. He feels that this document can be put on the City's website to reach a global market and will help staff and Council promote the City at the International Council of Shopping Centers. Mr. Silver said when Council reviews the façade grant criteria staff will need to have Council's direction as to which sites will be improved. He informed Council of an upcoming project presentation for Moran Street/Weststate and the alternative use enhancement for the Westminster Mall by the UCI Graduate School of Planning.

Mayor Pro Tem Quach withdrew his substitute motion to continue.

The Council voted on the original motion to support staff's recommendation.

That motion carried by a 5-0 vote.

## **6.2 Option Year Renewal for Vehicle Fuel Purchase for FY 2008-2009. (502-16)**

Darrell A. Nolta, resident of Westminster, expressed his concerns with the extension of the Petro Diamond contract in the amount of \$525,000. He requested a breakdown of the price per gallon in the staff report that translates to \$525,000.

**Motion was made by Council Member Ta,** and seconded by Mayor Pro Tem Quach to authorize a purchase order for vehicle fuel purchase in the amount of \$525,000.00 to Petro-Diamond Inc.

The motion carried by a 5-0 vote.

## **7. WRITTEN COMMUNICATIONS (Public)**

### **7.1 Request from B. J. Savage to place a memorial plaque in Sid Goldstein Freedom Park in honor of the 40<sup>th</sup> Anniversary of the death of Marine Lance Corporal Kenneth Lee Worley. (703-08)**

B.J. Savage provided the life story of Marine Lance Corporal Kenneth Lee Worley, a product of the foster care system. He did not have any family to honor

his heroic life ending gesture of saving his fellow marines in Vietnam. Mr. Savage would like to honor Lance Corporal Worley, an American hero at the Vietnam Memorial.

**Motion was made by Council Member Ta**, and seconded by Mayor Pro Tem Quach to approve the placement of the memorial plaque in Sid Goldstein Freedom Park to honor Marine Lance Corporal Kenneth Lee Worley.

The motion carried by a 5-0 vote.

## 8. LEGISLATIVE ITEMS

- 8.1 **Ordinance No. 2431 - An Ordinance of the Mayor and City Council of the City of Westminster Amending Chapter 2.68 (Personnel System) of the Westminster Municipal Code Excepting the Community Development Director from the Classified Service. (110-04)**

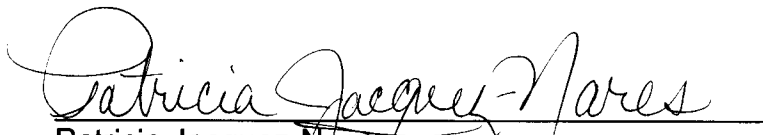
**Motion was made by Council Member Ta**, and seconded by Mayor Pro Tem Quach to introduce Ordinance No. 2431 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster Amending Chapter 2.68 (Personnel System) of the Westminster Municipal Code Excepting the Community Development Director from the Classified Service", and waive further reading.

The motion carried by the following vote:

AYES: RICE, QUACH, FRY, MARSH, TA  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: NONE

## 9. COMMISSION AND COMMITTEE ITEMS – None.

10. **COUNCIL/AGENCY ADJOURNMENT:** at 9:34 p.m., Mayor/Agency Chair Rice adjourned the meeting in memory of Kay Harper, former Westminster City Clerk, to Monday, June 23, 2008 at 6:00 p.m. in the Council Chambers, 8200 Westminster Boulevard, Westminster, California for the purpose of a review of the City's current water rate structure and to discuss City/Agency business.

  
Patricia Jaquez-Nares  
Assistant City Clerk/Acting Agency Secretary